

Remarks:

1. Rejections

Claims 1, 3, 4, 10, and 11 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 3,904,320 to Kishi *et al.* (“Kishi”). Moreover, claims 2 and 5 stand rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Kishi in view of U.S. Patent No. 6,942,472 to Sieberg. Applicants respectfully traverse.

2. 35 U.S.C. § 102(b)

Claims 1, 3, 4, 10, and 11 stand rejected as allegedly being anticipated by Kishi. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Kishi describes each and every element as set forth in claims 1, 3, 4, 10, and 11. Applicants respectfully traverse.

Applicants are amending independent claim 1 to describe a compressor, comprising “a cylinder head opposite to one end of the compressor housing and defining a refrigerant suction chamber and a refrigerant discharge chamber each of which communicates with the cylinder bores, the cylinder head having an opening formed therein, wherein the opening is located between the refrigerant suction chamber and the refrigerant discharge chamber.” (Emphasis added.) Thus, in Applicants’ claimed invention as set forth in independent claim 1, the opening is (1) formed in the cylinder head, and (2) formed between the suction chamber and the discharge chamber.

In contrast, Kishi discloses a compressor comprising a cylinder head 24 that defines a suction chamber 26’ and a discharge chamber 25’. The portion of cylinder head 24 that

is position between suction chamber 26' and discharge chamber 25' is solid. (Emphasis added.) Because cylinder head 24 is solid, i.e., does not include any space or opening, between suction chamber 26' and discharge chamber 25', the "dividing wall" which the Office Action refers to cannot correspond to Applicants' claimed "opening" which is formed in the cylinder head and is located between the refrigerant suction chamber and the refrigerant discharge chamber. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of independent claim 1.

Claims 3, 4, 10, and 11 depend from independent claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the anticipation rejection of claims 3, 4, 10, and 11.

3. 35 U.S.C. § 103(a)

Claims 2 and 5 stand rejected as allegedly being rendered obvious by Kishi in view of Sieberg. Claims 2 and 5 depend from independent claim 1. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 2 and 5.

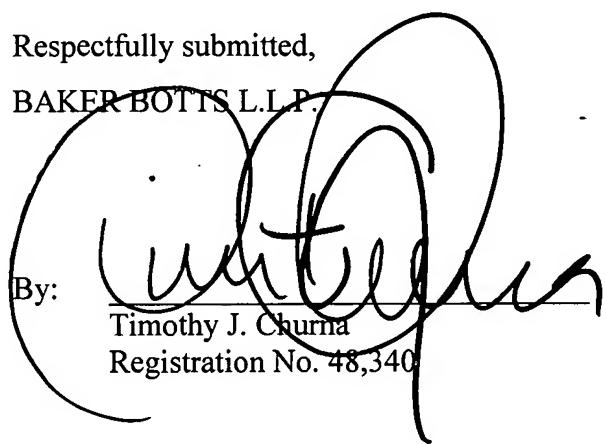
Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicants believe that no fees are due as a result of this response. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

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